

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CASE NO.: 15-13100-AA

FLO & EDDIE, INC., a California
corporation, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SIRIUS XM RADIO, INC., a Delaware
corporation; and DOES 1 through 10,

Defendants.

**APPELLANT, FLO & EDDIE, INC.'S, MOTION FOR EXTENSION OF
TIME TO FILE INITIAL BRIEF**

Plaintiff, FLO & EDDIE, INC., by and through its undersigned counsel, files
this its Motion for Extension of Time to File Initial Brief, and in support thereof
states as follows:

1. Flo & Eddie's Initial Brief is due on or before August 24, 2015.
2. This case presents several issues of first impression as to the rights of
common law copyright holders of pre-1972 recordings under Florida law,
including whether such copyright owners have the exclusive right to public
performance of those recordings, and whether the exclusive ownership of the
performance embodied in those recordings encompasses all rights including the
right of reproduction, distribution and public performance.

3. In preparing its Initial Brief, counsel for Flo & Eddie attempted to obtain certain filings in the matter of *CBS, Inc. v. Garrod*, 622 F. Supp. 532 (M.D. Fla. 1985), district court case no. 83-988 Civ-T-10, which addressed common law copyright. Upon inquiry to the clerk's office in the Tampa Division of the United States District Court for the Middle District of Florida, undersigned counsel was advised that the file is not in the clerk's office and a written request to research the file would need to be submitted. If the file is located, copies will then be made from the archives.

4. Undersigned counsel submitted its written request to the Clerk of Court of the Middle District on August 7, 2015, but has yet to receive a response to the request.

5. Due to the novel issues raised in this appeal, and the need to obtain copies of filings in the *Garrod* matter, Plaintiff requires additional time to file its Initial Brief.

6. Therefore, Plaintiff requests that the deadline for it to file its Initial Brief be extended through and until Thursday, September 3, 2015.

WHEREFORE, Plaintiff, FLO & EDDIE, INC., respectfully requests this Honorable Court grant its Motion and enter an Order extending the time for it to file its Initial Brief through and until September 3, 2015, and for all such other relief as this Court deems just and proper.

CERTIFICATE OF INTERESTED PERSONS

The name of each person, attorney, association of persons, firm, law firm, partnership, and corporation that has or may have an interest in the outcome of this action – including subsidiaries, conglomerates, affiliates, parent corporations, publicly-traded companies that own 10% or more of a party's stock, and all other identifiable legal entities related to *any* party in the case:

Judge Darrin P. Gayles – District Court Judge

William C. Turnoff – U. S, Magistrate Judge

Mark Volman

Howard Kaylan

Flo & Eddie, Inc.

Sirius XM Radio, Inc.

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Signed on this 17th day of August, 2015.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 2015, I electronically
filed the foregoing with the Clerk of the Court by using the CM/ECF System.

/s/ Glen H. Waldman
Glen Waldman

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CASE NO. 15-13100-AA

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